



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,620	04/21/2000	Kyung-geun Lee	1293.1115/MDS	6772

21171 7590 12/28/2004

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

VUONG, BACH Q

ART UNIT	PAPER NUMBER
----------	--------------

2653

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/556,620

Applicant(s)

LEE ET AL.

Examiner

Bach Q. Vuong

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-8 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-5,9-15 and 17-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2653

This communication is responsive to RCE filed on 11/29/2004 with the following results:

Claim Objections

Claims 1, 2, 4, 9-12, 16, 17, 22, 23, 27, 32, 33 and 35 are objected to because of the following informalities:

In claims 1, 2, 4, 9-12, 16, 17, 22, 23, 27, 32, 33 and 35, the term "recording basic units in which the user data seamlessly connected" is unclear and confused what user data is connected to. Did Applicant intend to state that -- recording basic units in which the user data seamlessly recorded -- ? Claims 3, 5-8, 13-15, 18-21, 24-26, 28-31 and 34 fall with their respective parent claim

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-8 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Mine (US 5,966,358).

Mine, according to Figs. 1-3, shows an optical disk drive comprising all features of the claimed invention as indicated below:

Art Unit: 2653

Regarding claim 1, see Figs. 2 and 3 which show a an optical recording medium to which user data is written and rewritten comprising: basic recording units (see recording medium in Fig. 2) in which the user data are seamlessly connected; and a predetermined area in which information, which is related to a defective area detected before the user data is recorded on the optical recording medium or while the optical recording medium is being used, is recorded; wherein a defective area data pattern is recorded in the defective area during the recording of the user data for seamless recording (see column 4 , line 43 through column 6, line 58).

Regarding claim 6, see Fig. 2 which shows the optical recording medium wherein the defective area data pattern is dummy data (see column 6, lines 25-58).

Regarding claim 7, see Fig. 2 which shows the optical recording medium wherein the defective area data pattern is the same as data in the part of an area preceding or succeeding the defective area.

Regarding claim 8, see Fig. 2 which shows the optical recording medium wherein the defective area data pattern is defined by a drive manufacturing company.

Regarding claim 16, see Figs. 2 and 3 which shows a method of processing a defective area in an optical recording medium to which user data is written and in which basic recording units are seamlessly connected. The method comprising: recording a defective area data pattern in the defective area on the optical recording medium to enable seamless recording of the user data during recording of the user data (see column 4, line 43 through column 6, line 58); detecting the defective area occurring before the user data is recorded on the optical recording medium or while the optical recording medium is being used; and recording information related

Art Unit: 2653

to the detected defective area in a predetermined area on the optical recording medium. (see column 4, line 43 through column 6, line 58)

Allowable Subject Matter

Claims 1, 2, 4, 9-12, 16, 17, 22, 23, 27, 32, 33 and 35 are would be allowable if rewritten to overcome the objection(s) under claim objections, set forth in this Office action.

Response To Arguments

In response to Applicant's arguments filed 8/30/2004 related to the rejection under 35 USC-102 as being anticipated by Mine, Applicant is noted that Min does show basic recording units (see recording medium in Fig. 2) in which the user data are seamlessly recorded; a predetermined area in which information, which is related to a defective area detected before the user data is recorded on the optical recording medium; and a defective area data pattern is recorded in the defective area during the recording of the user data for seamless recording (see column 4 , line 43 through column 6, line 58). Accordingly, Mine disclose all features as recited in each of claims 1 and 16.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q. Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV

December 23, 2004


THANG V. TRAN
PRIMARY EXAMINER